

**ORDINANCE NO. 3854**

AN ORDINANCE OF THE CITY OF EDMONDS,  
WASHINGTON, CONCERNING THE ADOPTION OF  
APPRENTICE REQUIREMENTS FOR CERTAIN CITY  
CAPITAL CONSTRUCTION PROJECTS; PROVIDING FOR  
SEVERABILITY; AND FIXING A TIME WHEN THE SAME  
SHALL BECOME EFFECTIVE.

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WHEREAS, the City of Edmonds (the “City”) recognizes that a highly skilled construction workforce is both essential for enhancing economic growth and critical to the successful construction of public works projects; and

WHEREAS, apprenticeship training programs are proven to be particularly effective in providing training and experience to individuals seeking to enter or advance in the construction workforce; and

WHEREAS, growing participation in apprenticeship programs today will ensure a viable workforce in the construction trade industry tomorrow; and

WHEREAS, the responsibility to train the next generation of skilled workers rests with both the public and private sectors; and

WHEREAS, the City can create opportunities for training and experience that will help assure that a trained workforce will be available in sufficient numbers in the future for the construction of public works projects; and

WHEREAS, the City is committed to working in partnership with labor and business to create a skilled workforce that reflects the diversity of our population and promotes community development, NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF EDMONDS, WASHINGTON, DO ORDAIN  
AS FOLLOWS:

Requirements is hereby amended to add the following section, to read as follows:

**18.00.050 Apprentice Requirements.**

This section is intended to supplement, and to be followed in conjunction with, the City of Edmonds Purchasing Policies and Procedures, dated January 2009, or as amended.

**A. Definitions.**

1. "Apprentice" means an apprentice enrolled in a state-approved apprenticeship training program.
2. "Contractor" means a person, corporation, partnership, limited liability company, or joint venture entering into a contract with the City to construct a public work.
3. "Labor hours" refers to the total number of hours worked by workers receiving an hourly wage who are directly employed on the site of the public work and who are subject to state or federal prevailing wage requirements. "Labor hours" shall also include hours worked by workers employed by subcontractors on the site of the public work, and shall include additional hours worked as a result of a contract or project adjustment or pursuant to an agreed-upon change order.
4. "Estimated cost" means the anticipated cost of a public work, as determined by the City, based upon the expected costs of materials, supplies, equipment, and labor, but excluding taxes and contingency funds.
5. "Public work" refers to all City funded construction projects that constitute a public work pursuant to RCW 39.04.010 as now or hereafter amended and estimated to cost \$250,000 or more.
6. "State-approved apprenticeship training program" means an apprenticeship program approved or recognized by the Washington State Apprenticeship and Training Council.
7. "Subcontractor" means a person, corporation, partnership, limited liability company, or joint venture that has contracted with the contractor to perform all or part of the work to construct a public work by a contractor.

**B. Apprentice utilization.**

Apprentices shall be utilized for the construction of public works by contractors and subcontractors in accordance with this section.

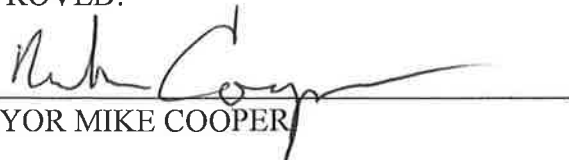
1. Apprenticeship utilization program goal. For public works contracts with an estimated cost of Two Hundred Fifty Thousand Dollars (\$250,000) or more, the Director of Public Works, or his designee, is authorized to require that up to fifteen percent (15%) of the contract labor hours, including contractor and subcontractor hours, be performed by apprentices.
2. Contract requirements. Contract documents for such public works construction projects shall include provisions detailing the apprentice labor requirements.
3. Monitoring. The City will include an Apprenticeship Utilization Form for contractors to complete when submitting their bid documents, which identifies the intended usage of apprentices by the contractor and any subcontractors. This document will require the identification of individual apprentices by name and Washington State apprenticeship registration number, an estimate of the total apprentice labor hours, and the identification of apprentice hours to be worked by minorities, women, persons with disabilities and disadvantaged youth. This provision is not intended and shall not be used to discriminate against any applicant for training. In addition, the City will require the submittal of an Apprenticeship Verification Form by the contractor at the conclusion of the public works project that will identify the actual work performed by apprentices for the contractor and subcontractors.
4. Failure to meet utilization goal. Failure by a contractor to comply with established apprenticeship requirements, unless otherwise adjusted or waived in writing as set forth below, shall be deemed a breach of contract for which the City shall be entitled to all remedies allowed by law under the contract. Failure to comply with the apprenticeship requirements may also be considered evidence bearing on a contractor's qualification for award of future contracts with the City. *[NOTE: Some jurisdictions require an assessment of \$1.00 to \$10.00 per hour for each hour the contractor fails to meet the utilization goal instead of a breach of contract provision.]*
5. Adjustment and waiver. The Director of Public Works, or his designee, may adjust or waive the requirements of this section for a specific project at any time for the following reasons:

- (a) The demonstrated lack of availability of apprentices in specific geographic areas;
- (b) A disproportionately high ratio of material costs to labor hours, which does not make feasible the required minimum levels of apprentice participation;
- (c) The reasonable and necessary requirements of the contract render apprentice utilization infeasible at the required levels;
- (d) In order to meet the requirement, the contractor will be forced to displace members of its workforce;
- (e) The participating contractor has demonstrated a good faith effort to comply with the requirements of this section; and/or
- (f) Other criteria deemed appropriate that are not inconsistent with the purpose and goals of this section.

Section 2. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 3. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

APPROVED:

  
MAYOR MIKE COOPER

ATTEST/AUTHENTICATED:

  
CITY CLERK, SANDRA S. CHASE

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY:

BY   
JEFFREY B. TARADAY

FILED WITH THE CITY CLERK:	09-16-2011
PASSED BY THE CITY COUNCIL:	09-20-2011
PUBLISHED:	09-25-2011
EFFECTIVE DATE:	09-30-2011
ORDINANCE NO. <u>3854</u>	

## SUMMARY OF ORDINANCE NO. 3854

of the City of Edmonds, Washington

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On the 20<sup>th</sup> day of September, 2011, the City Council of the City of Edmonds, passed Ordinance No. 3854. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, CONCERNING THE ADOPTION OF APPRENTICE REQUIREMENTS FOR CERTAIN CITY CAPITAL CONSTRUCTION PROJECTS; PROVIDING FOR SEVERABILITY; AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

The full text of this Ordinance will be mailed upon request.

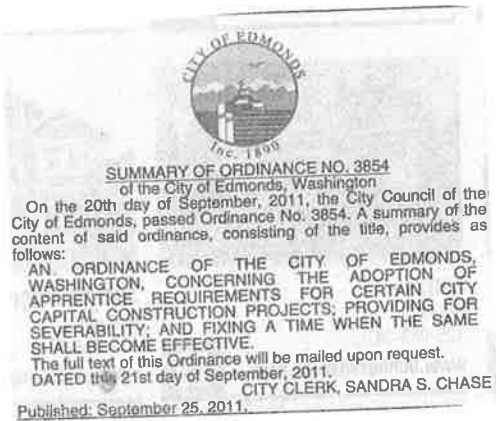
DATED this 21<sup>st</sup> day of September, 2011.

  
CITY CLERK, SANDRA S. CHASE

# Affidavit of Publication

STATE OF WASHINGTON,  
COUNTY OF SNOHOMISH

} S.S.



The undersigned, being first duly sworn on oath deposes and says that she is Principal Clerk of THE HERALD, a daily newspaper printed and published in the City of Everett, County of Snohomish, and State of Washington; that said newspaper is a newspaper of general circulation in said County and State; that said newspaper has been approved as a legal newspaper by order of the Superior Court of Snohomish County and that the notice

Summary of Ordinance No. 3854

a printed copy of which is hereunto attached, was published in said newspaper proper and not in supplement form, in the regular and entire edition of said paper on the following days and times, namely:

September 25, 2011

and that said newspaper was regularly distributed to its subscribers during all of said period.

*Jody Enoll*

Principal Clerk

Subscribed and sworn to before me this

day of September, 2011

*[Signature]*  
Notary Public in and for the State of Washington, residing at Everett, Snohomish County.

